

The Honorable David G. Estudillo

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

WILL CO. LTD. a limited liability company
organized under the laws of Japan,

Plaintiff,

vs.

KAM KEUNG FUNG, aka 馮錦強, aka
FUNG KAM KEUNG, aka FUNG KAM-
KEUNG, aka KUENG FUNG, aka KEUNG
KAM FUNG, aka KAM-KEUNG FUNG, aka
KEVIN FUNG, an individual; FELLOW
SHINE GROUP LIMITED, a foreign company,
and DOES 1-20, d/b/a AVGLE.COM,

Defendants.

Case No.: 3:20-cv-05666-DGE

**DECLARATION OF SPENCER
FREEMAN IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL
DISCOVERY AGAINST DEFENDANT
FUNG**

NOTE ON MOTION CALENDAR:
December 10, 2021

I, Spencer Freeman, under penalty of perjury, declare and state as follows:

1. I am an attorney at law licensed to practice before the Courts of the State of Washington, the United States District Court Western District of Washington, Eastern District of Washington, Ninth Circuit Court of Appeals, and United States Supreme Court. I am the principal attorney with Freeman Law Firm, Inc., attorneys for Plaintiff Will Co. Ltd. Unless otherwise stated, I have personal knowledge of the facts contained herein this declaration and, if called and sworn as a witness, could and would competently testify thereto.

DECLARATION OF SPENCER FREEMAN IN
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL
DISCOVERY - 1
[NO. 3:21-cv-05666 DGE]

FREEMAN LAW FIRM, INC.
1107 ½ Tacoma Avenue South
Tacoma, WA 98042
(253) 383-4500 - (253) 383-4501 (fax)

2. On August 11, 2021, I served Defendant Fung's counsel with discovery requests.

3. On September 14, 2021, Defendant Fung served Plaintiff with responses to discovery requests.

4. Attached hereto as Exhibit A is true and correct copy of the requests and responses.

5. On September 24, 2021, I emailed Defendant's counsel to set a Fed.R.Civ.P. 37 conference regarding deficiencies in the discovery responses, expressly stating that the limitation to companies located in the United States was deficient.

6. On September 30, 2021, I conferred with Fung counsel via telephone regarding the discovery requests and Plaintiff's asserted deficiencies. Defendant Fung took the position that no further production would be forthcoming and it was agreed that the issues would need to be resolved by a motion to compel.

7. During the September 30, 2021 telephone conference, two issues arose requiring clarification from Defendant Fung, whether there were any written contract with ad brokers other than Tiger Media and whether, when Fung stated there were "no documents with United States entities," he also meant that there were no documents which referenced the United States. Regarding the latter issue, Defendant Fung made the full comment/explanation in some places while limiting the explanation to "with United States entities" in others.

8. On October 29, 2021, Defendant Fung provided the requested clarification: there were no written contracts with advertising brokers and wherever Fung stated that there were "no documents with United States entities" there were also no related documents that reference the United States.

I declare under the penalty of perjury under the laws of the State of Washing and the United States that the foregoing is true and correct.

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DECLARATION OF SPENCER FREEMAN IN
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL
DISCOVERY - 2
[NO. 3:21-cv-05666 DGE]

FREEMAN LAW FIRM, INC.
1107 ½ Tacoma Avenue South
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(253) 383-4500 - (253) 383-4501 (fax)

1 Executed on the 28th day of November 2021 at Tacoma, Washington.
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4 /s/ Spencer D. Freeman
5 Spencer Freeman
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